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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,017	02/05/2002	Joseph Vander Aa	215296	7223
23460	7590	10/17/2003	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			FUNK, STEPHEN R	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,017

Applicant(s)

VANDER AA ET AL.

Examiner

Stephen R Funk

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6 - 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al. (EP 770 494) in view of Teng (US 6,482,571) and Moss et al. (EP 640,478).

Vermeersch et al. teach providing an imaging material comprising a flexible lithographic base having a hydrophilic surface and an image recording layer comprising hydrophobic thermoplastic polymeric particles (Abstract) which is removable in an ink and/or dampening fluid (Abstract), imagewise exposing the recording layer to heat or light (Abstract), processing the recording layer by supplying the ink and/or dampening fluid (Abstract) thereby obtaining a printing master, and printing by supplying ink to the printing master which is mounted on the plate cylinder (column 3 lines 22 - 35). Vermeersch et al. do not teach a single fluid ink or unwinding the imaging material from a supply spool, wrapping the imaging material around a plate cylinder, and removing the printing master from the plate cylinder

Teng teaches the conventionality of using a single fluid ink to process an exposed imaging material. See column 9 lines 34 - 59 of Teng, for example.

Moss et al. teach the desirability of unwinding an imaging material from a supply spool (105), wrapping the imaging material around a plate cylinder (12), and removing the printing master from the plate cylinder by winding the printing master on an uptake spool (110). See the Abstract, column 3 lines 16 - 48, and column 6 lines 24 - 34 of Moss et al., for example.

It would have been obvious to one of ordinary skill in the art to provide the method of Vermeersch et al. with the steps of applying a single fluid ink in view of Teng to simplify the printing press by eliminating the dampening system and winding the imaging material from a supply spool and around the plate cylinder in view of Moss et al. so as to more quickly and easily remove an old printing master and provide a new imaging material to the plate cylinder.

With respect to claim 2 see column 7 lines 28 - 33 of Vermeersch et al.

With respect to claims 6, 7, 11, and 12 see Figure 3 of Moss et al.

With respect to claim 8 see column 5 line 27+ of Vermeersch et al.

Claims 9, 10, and 13 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al. in view of Teng and Moss et al. as applied to the claims above, and further in view of Kingman et al. (US 6,140,392). Teng does not specifically teach the composition of the single fluid ink but does refer to the manufacturer Flink [sic] Ink Company as a source for an acceptable single fluid ink. See column 9 lines 55 - 59 of Teng. Kingman et al., and assignee Flint Ink Corporation, teach the single fluid ink as recited. See the Abstract, column 1 line 39 - column 2 line 17, and (with respect to claims 10 and 15) the paragraph bridging columns 6 and 7 of Kingman et al. It would have been obvious to one of ordinary skill in the art to provide the method of Vermeersch et al., as modified by Teng and Moss et al., with the single fluid ink of Kingman et al. in view of the specific suggestion by Teng and to provide a single fluid ink having more stability and higher definition. With respect to claims 13 and 14 see Figure 3 of Moss et al.

Claims 16 - 20, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al. (US 5,786,128) in view of Teng and Moss et al.

Vermeersch et al. ('128) teach providing an imaging material comprising a flexible lithographic base (column 6 lines 29 - 31) having a hydrophilic surface and an image recording layer comprising aryldiazosulfonate (Abstract) which is removable in an ink and/or dampening fluid (Abstract), imagewise exposing the recording layer to light (column 8 line 8+), processing the recording layer by supplying the ink and/or dampening fluid (Abstract) thereby obtaining a printing master, and printing by supplying ink to the printing master which is mounted on the plate cylinder (Abstract). Vermeersch et al. do not teach a single fluid ink or unwinding the imaging material from a supply spool, wrapping the imaging material around a plate cylinder, and removing the printing master from the plate cylinder

Teng teaches the conventionality of using a single fluid ink to process an exposed imaging material. See column 9 lines 34 - 59 of Teng, for example.

Moss et al. teach the desirability of unwinding an imaging material from a supply spool (105), wrapping the imaging material around a plate cylinder (12), and removing the printing master from the plate cylinder by winding the printing master on an uptake spool (110). See the Abstract, column 3 lines 16 - 48, and column 6 lines 24 - 34 of Moss et al., for example.

It would have been obvious to one of ordinary skill in the art to provide the method of Vermeersch et al. with the steps of applying a single fluid ink in view of Teng to simplify the printing press by eliminating the dampening system and winding the imaging material from a supply spool and around the plate cylinder in view of Moss et al. so as to more quickly and easily remove an old printing master and provide a new imaging material to the plate cylinder.

With respect to claim 17 see column 8 line 32+ of Vermeersch et al.

With respect to claims 18, 19, 23, and 24 see Figure 3 of Moss et al.

With respect to claim 20 see column 6 lines 29 - 31 of Vermeersch et al.

Claims 21, 22, and 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al. ('128) in view of Teng and Moss et al. as applied to the claims above, and further in view of Kingman et al. Teng does not specifically teach the composition of the single fluid ink but does refer to the manufacturer Flink [sic] Ink Company as a source for an acceptable single fluid ink. See column 9 lines 55 - 59 of Teng. Kingman et al., and assignee Flint Ink Corporation, teach the single fluid ink as recited. See the Abstract, column 1 line 39 - column 2 line 17, and (with respect to claims 22 and 27) the paragraph bridging columns 6 and 7 of Kingman et al. It would have been obvious to one of ordinary skill in the art to provide the method of Vermeersch et al., as modified by Teng and Moss et al., with the single fluid ink of Kingman et al. in view of the specific suggestion by Teng and to provide a single fluid ink having more stability and higher definition. With respect to claims 25 and 26 see Figure 3 of Moss et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See column 9 of Teng ('595).

Applicant's arguments with respect to claims 1 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

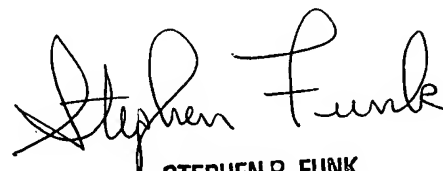
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (703) 308-0982. The examiner can normally be reached from 7:30am to 6:00pm, except Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached on (703) 305-6619.

The fax phone number for official papers is (703) 872-9306. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner at (703) 746-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SRF
October 15, 2003



STEPHEN R. FUNK
PRIMARY EXAMINER